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			2611	
DATE MAILED: 02/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,692

Applicant(s)

COOPER, ROBERT M.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/02, 7/9/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

With respect to claim 1, applicant argues that Alexander does not teach at least presenting a list of several different TV rides, each of the different TV rides is associated with a TV ride lineup specifying a sequence of TV programming provided by more than one channel, and receiving from a user to whom the list is presented a TV ride selection from among the list of TV rides presented. Examiner respectfully disagrees.

Alexander of the record shows a plurality of function options such as GRID, SORT, SCHEDULE and MESSAGE in navigation bar 20 (see figures 1 and 3-8), wherein each function option includes a list of TV programs and/or EPG information provided by more than one channel. Alexander further shows that when a user selects a function option, i.e., GRID, SORT or SCHEDULE, from among the plurality of function options via a remote controller (see figures 1 and 3-8; col. 10, lines 13-15; col. 3, lines 23-36), the television receiver provides a list of TV programs and/or EPG information associated with the selected function option as illustrated in figures 1 and 3-8.

With respect to claim 21, applicant argues the similar features as addressed with respect to claim 1, accordingly, the similar responses are applied to claim 21.

With respect to claim 41, applicant argues that Alexander fails to teach receiving a TV ride selection from a set top box, the selection being from among list of several different TV rides presented to a user, and determining a TV ride lineup in response to the TV ride selection, the TV ride lineup including data for automatically tuning to the TV programming for more than one channel. This argument is not persuasive.

As interpreted above, Alexander shows that when a user selects a function option, i.e., GRID, SORT or SCHEDULE, from among the plurality of function options (see figures 1 and 3-8; col. 10, lines 13-15), the television receiver provides a list of TV programs and/or EPG information associated with the selected function option as illustrated in figures 1 and 3-8. That is, the television receiver receives a function option selection from among the plurality of the function options. It is noted that the television receiver includes a set top box or cable box for receiving television signals and/or control signals from the user via a remote controller (col. 3, lines 23-36; col. 5, lines 42-46). Alexander further teaches that the Watch Scheduling Function automatically tunes the television to the channel(s) scheduled to deliver to the designated program(s). Besides, the user can access one of titles or cells from the grid guide so that the television receiver automatically tunes to a channel providing the TV program (see col. 9, line 65 to col. 10, line 15; see col. 7, lines 9-17). It is noted that this function option includes information or data to instruct the EPG automatically tuning to the channels.

With respect to claim 59, applicant argues the similar features as addressed with respect to claim 41, accordingly, the similar responses are applied to claim 59.

In response to applicant's arguments (with respect to claims 6, 7, 13, 18, 27, 28, 38, 44, 50, 51, 55, 62, 68 and 69 as indicated in Remarks) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Further regarding claims 13, 50, 51, 68, and 69, applicant's failure to adequately traverse the examiner's taking of Official Notice in the last Office Action is taken as an admission of the fact(s) noticed.

Claim Objections

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2. Claim 59 is objected to because of the following informalities: it appears that the host comprises two set top boxes as recited in lines 4 and 9 of claim 59. Further, claim 60 calls for transmitting data to the set top box in lines 2-3. It is unclear whether there is only one set top box or not. For examining purpose, examiner considers that the host comprises one set top box in light of the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-12, 14-17, 19-26, 29-37, 39-43, 45-49, 52-54, 56-61, 63-67, 70-72 and 74-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (U.S. 6,177,931 B1).

Regarding claim 1, Alexander teaches a method for enabling user selection and perception of a television ride, the TV ride including an automated sequence of TV programming (programs in grid guide 22), comprising: presenting a list of several different TV rides (a plurality of function options such as GRID, SORT, SCHEDULE and MESSASGE in navigation bar 20 - see figures 1 and 3-8), each of the different TV rides being associated with a TV ride specifying a sequence that includes TV programming provided by more than one channel (each function option includes a list of TV programs and/or EPG information provided by more than one channel – see figures 1 and 3-8); receiving from a user to whom the list presented a TV ride

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selection from among the list of TV rides presented (a user selects a function option, i.e., GRID, SORT or SCHEDULE, from among the plurality of function options via a remote controller - see figures 1 and 3-8; col. 10, lines 13-15; col. 3, lines 23-37); receiving, from a host (provider or source), the TV ride lineup associated with the TV ride selection (the television receiver receives the list of TV programs and/or EPG information associated with the selected function option - see figures 1 and 3-8); accessing the TV ride lineup; and automatically tuning to a channel that provides the TV programming based on the accessed TV ride lineup (for example, when the user selects SCHEDULE function option, the Watch Scheduling Function automatically tunes the television to the channel(s) scheduled to deliver to the designated program(s). Besides, the user can select one of titles or cells from the grid guide so that the television receiver automatically tunes to a channel providing the TV program (see col. 9, line 65 to col. 10, line 15; see col. 7, lines 9-17 and figures 1 and 3-8).

Regarding claim 21, Alexander teaches a set top box (television receiver includes a set top box or cable box - see col. 3, lines 23-25) for enabling user selection and perception of a television (TV) ride, the TV ride including an automated sequence of TV programming (programs in grid guide 22), comprising: a processor (within television receiver - see col. 5, lines 42-46) for presenting a list of several different TV rides (a plurality of function options such as GRID, SORT, SCHEDULE and MESSAGE in navigation bar 20 - see figures 1 and 3-8), each of the different TV rides being associated with a TV ride specifying a sequence that includes TV programming provided by more than one channel (each function option includes a list of TV programs and/or EPG information provided by more than one channel - see figures 1 and 3-8); an interface (via remote controller) for receiving from a user to whom the list presented a TV ride selection from among the list of TV rides presented (a user selects a function option, i.e., GRID, SORT or SCHEDULE, from among the plurality of function options

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via a remote controller - see figures 1 and 3-8; col. 10, lines 13-15; col. 3, lines 23-37); an interface (within the television receiver – see col. 5, lines 42-46) for receiving, from a host (provider or source), the TV ride lineup associated with the TV ride selection (the television receiver receives the list of TV programs and/or EPG information associated with the selected function option – see figures 1 and 3-8); and a processor (within the television receiver – see col. 5, lines 42-46) for accessing the TV ride lineup; and automatically tuning to a channel that provides the TV programming based on the accessed TV ride lineup (for example, when the user selects SCHEDULE function option, the Watch Scheduling Function automatically tunes the television to the channel(s) scheduled to deliver to the designated program(s). Besides, the user can select one of titles or cells from the grid guide so that the television receiver automatically tunes to a channel providing the TV program (see col. 9, line 65 to col. 10, line 15; see col. 7, lines 9-17 and figures 1 and 3-8).

Regarding claim **41**, Alexander teaches a method for enabling user selection and perception of a television (TV) ride, the TV ride including an automated sequence of TV programming (programs in guide grid 22), the method comprising: receiving a TV ride selection from a set top box, the selection being from among a list of several different TV rides presented to a user (when a user selects a function option, i.e., GRID, SORT or SCHEDULE, from among the plurality of function options, the television receiver provides a list of TV programs and/or EPG information associated with the selected function option as illustrated in figures 1 and 3-8. That is, the television receiver receives a function option selection from among the plurality of the function options. It is noted that the television receiver includes a set top box or cable box for receiving television signals and/or control signals from the user via a remote controller – see col. 3, lines 23-36; col. 5, lines 42-46, figures 1 and 3-8; col. 10, lines 13-15); determining a TV ride lineup in response to the TV ride selection, the TV ride lineup including data for

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automatically tuning to the TV programming for more than one channel (for example, when the user selects SCHEDULE function option, the Watch Scheduling Function automatically tunes the television to the channel(s) scheduled to deliver to the designated program(s). Besides, the user can select one of titles or cells from the grid guide so that the television receiver automatically tunes to a channel providing TV program (see col. 9, line 65 to col. 10, line 15; see col. 7, lines 9-17 and figures 1 and 3-8); and transmitting the TV ride lineup to the set top box (transmitting EPG information to television receiver - see col. 6-7, lines 65-17; col. 10, lines 2-10; col. 3, lines 21-25; col. 5, lines 20-53; col. 3, lines 21-25).

Regarding claim 59, Alexander teaches a host (provider or source) for enabling user selection and perception of a television (TV) ride (EPG), the TV ride including an automated sequence of TV programming (programs in grid guide 22), comprising: an interface (via remote controller) for receiving a TV ride selection from a set top box, the selection being from among a list of several different TV rides presented to a user (when a user selects a function option, i.e., GRID, SORT or SCHEDULE, from among the plurality of function options, the television receiver provides a list of TV programs and/or EPG information associated with the selected function option as illustrated in figures 1 and 3-8. That is, the television receiver receives a function option selection from among the plurality of the function options. It is noted that the television receiver includes a set top box or cable box for receiving television signals and/or control signals from the user via a remote controller – see col. 3, lines 23-36; col. 5, lines 42-46, figures 1 and 3-8; col. 10, lines 13-15); a processor for determining a TV ride lineup in response to the TV ride selection, the TV ride lineup including data for automatically tuning to the TV programming for more than one channel (for example, when the user selects SCHEDULE function option, the Watch Scheduling Function automatically tunes the television to the channel(s) scheduled to deliver to the designated program(s). Besides, the user can select one

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of titles or cells from the grid guide so that the television receiver automatically tunes to a channel providing TV program (see col. 9, line 65 to col. 10, line 15; see col. 7, lines 9-17 and figures 1 and 3-8); and an interface (transmitter) transmitting the TV ride lineup to the set top box (transmitting EPG information to television receiver - see col. 6-7, lines 65-17; col. 10, lines 2-10; col. 3, lines 21-25; col. 5, lines 20-53; col. 3, lines 21-25).

Regarding claims **2 and 22**, Alexander teaches storing EPG information in memory and accessing the stored EPG information (see col. 8, lines 19-24).

Regarding claims **3, 4, 23 and 24**, Alexander teaches the features accessing data identifying TV programs included in the EPG information, and automatically tuning to the channel includes processing the identifying data to determine the channel and a time associated with the TV programming (see col. 10, lines 2-10).

Regarding claims **5, 25 and 26**, Alexander teaches displaying the TV programming (on PIP window 12) and a window (16) (see figure 1 and col. 3, lines 56-58).

Regarding claims **8, 29, 45 and 63**, Alexander teaches displaying an advertisement in the window 16 (see col. 4, lines 35-36).

Regarding claims **9, 30, 57 and 75**, Alexander teaches receiving an indication (i.e., icon) that the TV programming in the TV ride corresponds to TV programming in an alternate TV ride (Internet); receiving a selection to view the alternate TV ride; and receiving, from the host, the lineup associated with the alternate TV ride (receiving Internet data/information) (see 18, lines 1-24 and 33-37).

Regarding claims **10, 31, 47 and 65**, Alexander teaches that the TV ride is a sponsored TV ride (EPG provides producers of infomercials with extended capabilities to reach the viewers through the ad window – see col. 19, lines 50-57).

Regarding claims **11, 32, 48 and 66**, Alexander teaches that the TV ride lineup is based on a theme (see col. 16-17, lines 65-2).

Regarding claims 12, 14, 15, 33-35, 49 and 67, Alexander teaches using based viewer profile to customize various aspects of the EPG (see col. 30, lines 45-58).

Regarding claims **16, 36, 46 and 64**, Alexander discloses that the user can enter chat room or other interactive services (see col. 8, lines 61-64; col. 17, lines 52-57).

Regarding claims **17, 37, 54 and 72**, Alexander teaches generating parameter data (scheduling guide data or information) indicating the TV ride programming associated with the received TV ride selection, transmitting the parameter data, and receiving a TV ride lineup based on the generated parameter data (see col. 8, lines 19-35).

Regarding claims **19 and 39**, Alexander teaches receiving the TV ride lineup based on the TV ride selection and storing the TV ride lineup (see col. 8, lines 19-22).

Regarding claims **20, 40, 56 and 74**, Alexander teaches periodically receiving additional TV ride lineup data from a host and updating the TV ride lineup based on the additional TV ride lineup data (see col. 32, lines 24-34).

Regarding claims **42 and 60**, Alexander teaches determining an interactive opportunity and transmitting data based on the interactive opportunity to the set top box (television receiver) (col. 3, lines 21-25; col. 5, lines 20-53; col. 8, lines 61-64).

Regarding claims **43 and 61**, Alexander teaches that the data transmitted based on the interactive opportunity include a link to web content (see col. 18, lines 33-37).

Regarding claims **52, 53, 70 and 71**, Alexander teaches determining the TV programming to which the television receiver is tuned (based on user's profile) and generating the customized EPG based on the determined the TV programming (see col. 29, lines 36-55; col. 28, lines 32-52).

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Regarding claims **58 and 76**, Alexander teaches receiving a selection to join the alternate TV ride and transmitting a TV ride lineup corresponding alternate TV ride (see col. 18, lines 1-6 and 33-38).

Regarding claims **77-80**, Alexander teaches at least one TV ride (i.e., Messages/E-mail) created by an entity other than the user (the user can receive email from other users – see col. 13, lines 34-45 and figures 1 & 3-8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13, 50, 51, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931 B1).

Regarding claims **13, 50, 51, 68 and 69**, Alexander teaches receiving EPG information included titles and times of TV programming (as shown in figures 1 and 3-10B). Alexander does not teach information included a rating of the TV programming. Official Notice is taken that rating of TV programs in EPG is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Alexander by providing rating of TV programs in EPG in order to visually indicate rating of TV programs displayed in the EPG.

7. Claims 6, 7, 27, 28, 44 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931 B1) in view of Blackketter et al. (US 20050166248 A1).

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Regarding claims **6, 7, 27, 28, 44 and 62**, Alexander teaches a chat or interactive feature (see col. 8, lines 61-64), and EPG comprises two windows for displaying information or advertisement (see figure 1). Alexander does not teach displaying a viewer poll in the window. However, Blackketter teaches that interactive window allows the viewer to interact with television broadcast source. This interaction includes answering a question or a poll, requesting information about a program or advertiser, or purchasing a product or service. In figure 6, the viewer is asked to select their favorite vacation destination (see 0034). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Alexander by displaying a viewer poll in the window to interact with television broadcast as taught by Blackketter in order to enhance the television service.

8. Claims 18, 38, 55 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931 B1) in view of Maehiro (US 6,880,168 B2).

Regarding claims **18, 38, 55 and 73**, Alexander teaches online chat feature (see col. 8, lines 61-64; col. 17, lines 54-57). Alexander does not teach generating data indicating an invitation to join the chat, and transmitting the invitation data to one or more buddies. However, Maehiro teaches creating an invitation message prompting particular users to join the chat and transmitting the invitation message to the particular users (see abstract and col. 5, lines 39-42). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Alexander by creating an invitation message prompting particular users to join the chat and transmitting the invitation message to the particular users as taught by Maehiro in order to allow the user to open and join a chat with friends.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

January 19, 2006